

PUBLIC NOTICE: 2011-30

March 18, 2011

**NOTICE OF CONSENT AGREEMENT AND PROPOSED FINAL ORDER AND
OPPORTUNITY TO COMMENT**

AGENCY: United States Environmental Protection Agency (EPA), Region 2
290 Broadway
New York, NY 10007

ACTION: Notice of Consent Agreement and Proposed Final Order and Opportunity to Comment

SUMMARY: EPA is providing notice of a Consent Agreement and proposed Final Order to resolve alleged violations of the Clean Water Act (Act). EPA is also providing notice of opportunity to comment on the Consent Agreement and proposed Final Order.

Under 33 U.S.C. §1319(g), EPA is authorized to issue Orders assessing civil penalties for various violations of the Act. EPA may issue such Orders after the commencement of a Class I or Class II penalty proceeding. EPA provides Public Notice of the proposed Order pursuant to 33 U.S.C. §1319(g)(4).

Administrative civil penalty proceedings are conducted under EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation Termination or Suspension of Permits" ("CROP"), 40 C.F.R. Part 22. The procedures through which the public may submit written comment on a proposed administrative penalty action or participate in an administrative penalty proceeding, and the procedures by which a Respondent may request a hearing, are set forth in the CROP. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On March 14, 2011, EPA issued a Consent Agreement and proposed Final Order in the Matter of Wilkins Dairy Farm, LLC ("Respondent"), CWA-02-2010-3404, which was filed with Regional Hearing Clerk Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, NY 10007, (212) 637-3247. The Consent Agreement and proposed Final Order proposes to resolve an underlying Administrative Complaint for violations of the New York State Pollutant Discharge Elimination System Concentrated Animal Feeding Operation ("CAFO") General Permit, No. GP-04-02, at the medium dairy CAFO owned and operated by Respondent at 5811 Unionville Road, Bath, NY 14810, with Respondent's payment of a penalty of **\$15,000**.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules, review documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk, Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, NY 10007, (212) 637-3247. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Wilkins Dairy Farm, LLC
CWA-02-2010-3404